

REMARKS

Claims 1-17 are pending in the Application and are now presented for examination.

Claims 1, 6, 11, and 15-17 are independent.

On page 2 of the Office Action the abstract of the disclosure is objected to because it contains more than 150 words. Correction is herein submitted by replacing the abstract.

On page 2 of the Office Action, Claims 3, 11, 16 and 17 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding Claim 3, the Examiner suggests rewording of the claim, and the Examiner further indicates the belief that the third and fourth program instructions of Claim 3 (when combined with independent Claim 1) are identical. This understanding is incorrect.

The third program instructions “determine if any group with an actual privilege level higher than user level privilege *has a group name on a list of group names generally used for a group with user level privilege*,”(emphasis added). The fourth program instructions of Claim 3 “determine if any groups with an actual privilege level higher than user level privilege have a group name *not on a list of group names generally used for a group with the higher level privilege*,” (emphasis added). The Office Action appears to assume that a group having a privilege level higher than user privilege must have a name that appears either on the list of group names generally used for a group with user level privilege or on a list of group names generally used for a group with the higher level privilege. However, there is no such limitation present in the claims. The absence or presence of a group name on the user-level list does not

necessarily require or correlate to a presence or absence on the higher-level list, and vice-versa. For example, a particular group name for a higher privilege group may not be on either the user-level list or the higher-level list. Thus, the fourth program instructions are not identical to the third program instructions as the Examiner suggests, and a withdrawal of the rejection under 35 U.S.C. §112 is respectfully requested.

With respect to Claim 11, there are features recited in Claim 11 that are not present in Claim 1, and thus the claims are not duplicates of each other. Claim 1 recites, in part, “third program instructions to determine if any group with an actual privilege level higher than user level privilege has *a group name on a list of group names generally used for a group with user level privilege*,” (emphasis added). Claim 11 recites in part, “third program instructions to determine if any groups with an actual privilege level higher than user level privilege have *a group name not on a list of group names generally used for a group with the higher level privilege*,” (emphasis added). As discussed above with respect to Claim 3, the absence or presence of a group name on the user-level list does not necessarily require or correlate to a presence or absence on the higher-level list, and vice-versa. As such, Claims 1 and 11 are distinct from one another, and a withdrawal of the rejection is respectfully requested.

Regarding Claims 16 and 17, both Claim 16 and Claim 17 are independent claims having different scope. It is unclear why there is a comparison on Page 2 of the Office Action of the features of independent Claim 16 with the features of independent Claim 17 and the features of independent Claim 1, and an inquiry as to why there are differences. Each independent claim should be substantively examined without reference to other independent claims, and differences in claim scope don't necessarily render independent claims indefinite. Moreover, support for

Claims 16 and 17 can be found at least in FIGS. 2A, 2B and in Paragraphs [0018] - [0021] (and elsewhere) of the Published Application. As such, the rejection of Claims 16 and 17 is improper, and a withdrawal is respectfully requested.

On page 3 of the Office Action, Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakushima et al. (US 7,103,777 B2) in view of Huang (US 6,192,361). To establish a prima facie case of obviousness, three basic criteria must be met, one of which is that the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Primarily, Applicant notes that throughout the Office Action, there are headings in bold that apparently are intended to correspond to Applicant's claim language, e.g., on Page 3, the Office Action states "-first program instructions to compare access privilege level," with cited portions of the prior art references included under each heading. While the format of claim language headings and prior art disclosures under the headings are helpful during prosecution, Applicant respectfully points out that the headings do not directly correspond to any claim language, but rather appear to present a generalization or generic principle in the general field of the claimed subject matter. For example, Claims 1 and 11 each recite "first program instructions to *compare members within each of said groups to a list of trusted individuals.*" Yet the apparently related heading in the Office Action recites "first program instructions to compare access privilege level." Moreover, while some of the cited portions of the prior art under the particular headings disclose these general principles, this is not what is claimed by Applicant, as discussed in more detail below.

Independent Claims 1 and 11 each recite, in part, “first program instructions to **compare members within each of said groups to a list of trusted individuals**,” (emphasis added). Page 3 of the Office Action references Column 16, Lines 13-26 of the Sakushima reference as disclosing this claimed feature. However, the cited portion of the Sakushima reference explicitly states:

“The access accepting section 182 accepts an access 181 to data 183...The “access” accepted by the access accepting section 182 used here denotes an instruction or command for applying processing to the data. An example of such an instruction or command includes: data readout, data writing, deleting, making a copy, changing contents, or alternatively, newly adding data. The access privilege determining section 184 determines the presence or absence of access privilege for the data access accepted at the access accepting section 182. That is, ***an access privilege of an entity causing the access accepting section 182 to accept an access, or alternatively, an access privilege of the user information management apparatus 180 itself is compared with an access privilege of data*** specified by access 181, and it is determined whether or not access to data by means of the access 181 is permitted,” (Col. 16:9-26)(emphasis added).

Accordingly, Sakushima unambiguously discloses comparing an access privilege of an entity (or user) ***with an access privilege of the data*** being accessed. Comparing an access privilege of a user with an access requirement for data being accessed does not constitute comparing “members” within a plurality of groups to “a list of trusted individuals” as stated in Applicant’s independent Claims 1 and 11. In fact, Sakushima fails to disclose such a comparison anywhere in the specification. Moreover, Sakushima is completely silent as to any user groups having levels of privilege associated therewith. Applicant further notes that although Huang is cited as disclosing a “list of trusted individuals,” Huang in fact generically discloses “information related to authorized users,” which simply does not equate to “a list of trusted users.” As such, Huang is also silent as to any comparison between “members” within a plurality of groups to “a list of trusted individuals” as claimed by Applicant.

As such, Sakushima and Huang, whether considered alone or in combination, fail to disclose each and every element of independent Claims 1 and 11. For at least this reason, the rejection is unsupported by the art and a withdrawal of the rejection is respectfully requested.

Independent Claims 1 and 11 further recite, in part, “second program instructions to determine if *any groups* with an actual privilege level higher than user level privilege *have a member* not on the list of trusted individuals, and if so, generate a report identifying said at least one member not on the list of trusted individuals and the group in which said at least one member is a member,” (emphasis added). Under the heading of “second program instructions to determine if actual privilege level is higher than user level privilege,” which again does not correspond to any of Applicant’s claim language, Page 3 of the Office Action states that Sakushima discloses such instructions at Col. 4, lines 14-17. As stated above, neither Sakushima nor Huang disclose a “list of trusted individuals,” and therefore, certainly do not disclose determining “if *any groups* with an actual privilege level higher than user level privilege *have a member* not on the list of trusted individuals.” Moreover, the cited portion of the Sakushima reference states, “if a current certification level of the user is lower than a desired certification level required for data acquisition, instruct the user to take action required to level up to the required certification level.” Instructing a user to “level up” to the required certification is completely unrelated to determining “if *any groups* with an actual privilege level higher than user level privilege *have a member* not on the list of trusted individuals.”

Page 4 of the Office Action recognizes that the Sakushima reference does not disclose “generating a report” as claimed. The Office Action instead refers to Col. 15, Lines 15-27 of the Huang reference as disclosing this claimed feature. To the contrary, Huang explicitly states,

“When a user attempts to access the Telecommunications Switch Management System...System Manager 18...then access the records containing the list of valid User IDs and Passwords...and ***compare the user's User ID and Password to the list of valid User IDs and Passwords***...if the Full Group Privileges Access Mechanism determines that the user's User ID or Password is not valid, the Full Group Privileges Access Mechanism ***generates a record of the attempted unauthorized access***, and transmits a Failed Logon message...to the user,”(Col. 15:10-26)(emphasis added).

As clearly stated, Huang discloses comparing a user's ID and password during a logon attempt to a valid list, and subsequently generates a record of ***unauthorized access attempt***. Comparing login attempt info to a valid login list does not equate to determining “if ***any groups*** with an actual privilege level higher than user level privilege ***have a member*** not on the list of trusted individuals” as stated in Applicant's Claims 1 and 11. Moreover, generating a record of an unauthorized access attempt does not constitute generating “a report ***identifying said at least one member*** not on the list of trusted individuals ***and the group*** in which said at least one member is a member,” as claimed by Applicant.

As such, Sakushima and Huang, whether considered alone or in combination, fail to disclose each and every element of independent Claims 1 and 11. For at least this reason, the rejection is unsupported by the art and a withdrawal of the rejection is respectfully requested.

Independent Claims 1 and 11 also recite, in part, “third program instructions to determine if any group with an actual privilege level higher than user level privilege ***has a group name on a list of group names generally used for a group with user level privilege***,” (emphasis added) and “third program instructions to determine if any groups with an actual privilege level higher

than user level privilege ***have a group name not on a list of group names generally used for a group with the higher level privilege,***” (emphasis added) respectively. Under the heading “third program instructions to determine if actual privilege level higher than user level privilege has a user level privilege,” which is not claimed by Applicant, Page 4 of the Office Action refers to Col. 18, line 62 through Col. 19 line 3 of the Sakushima reference as disclosing the claimed features of the third program instructions of Claims 1 and 11. However, the cited portion, and the entire disclosure of the Sakushima reference for that matter, wholly fails to disclose, mention or suggest any determination or comparison of group names, let alone determining “if any group with an actual privilege level higher than user level privilege ***has a group name on a list of group names generally used for a group with user level privilege***” or “***a group name not on a list of group names generally used for a group with the higher level privilege,***” as claimed by Applicant. Applicant’s note that Huang was not cited for this claimed feature, and indeed, Applicant agrees that Huang fails to make such disclosure.

As such, Sakushima and Huang, whether considered alone or in combination, fail to disclose each and every element of independent Claims 1 and 11. For at least this reason, the rejection is unsupported by the art and a withdrawal of the rejection is respectfully requested.

Independent Claim 6 recites, in part, “means for comparing members within each of said groups to ***a list of trusted individuals***; means for ***determining if any groups*** with an actual privilege level higher than user level privilege ***have a member not on the list of trusted individuals,***” and “means for ***determining if any group*** with an actual privilege level higher than user level privilege ***has a group name on a list of group names*** generally used for a group with user level privilege,” (emphasis added). As discussed above with respect to independent Claims

1 and 11, Sakushima and Huang, whether considered alone or in combination with one another, fail to disclose a list of trusted individuals or a comparison of group members to the list, fail to mention any list of group names, and accordingly fail to disclose determining whether a group name is on a particular group name list. Accordingly, the cited references fail to disclose each and every element of independent Claim 6, and the rejection is thus unsupported by the art. A withdrawal of the rejection is respectfully requested.

Independent Claims 15-17 also recite limitations similar to those of independent Claims 1, 6, and 11, including “first program instructions to compare members within each of said groups to a list of trusted individuals; second program instructions to determine if any groups with an actual privilege level higher than user level privilege have a member not on the list of trusted individuals,” “first program instructions to determine if any group with an actual privilege level higher than user level privilege has a group name on a list of group names generally used for a group with user level privilege or no privilege; and second program instructions, responsive to a determination of a group with an actual privilege level higher than user level privilege with a group name generally used for a group with user level privilege or no privilege, to compare members of such group to a list of trusted individuals,” and “first program instructions to determine if any group with an actual privilege level higher than user level privilege has a group name not on a list of group names generally used for a group with privilege level higher than user level privilege; and second program instructions, responsive to a determination of a group with an actual privilege level higher than user level privilege with a group name not generally used for a group with privilege level higher than user level privilege,” respectively. As discussed above, Sakushima and Huang, whether considered alone or in



combination with one another, fail to disclose a list of trusted individuals or a comparison of group members to the list, fail to mention any list of group names whatsoever, and accordingly fail to disclose determining whether a group name is on a particular group name list.

Accordingly, the cited references fail to disclose each and every element of independent Claims 15-17, and the rejection is thus unsupported by the art. A withdrawal of the rejection is respectfully requested.

Claims 2-5, 7-10 and 12-14 are each dependent either directly or indirectly from one or another of independent Claims 1, 6, and 11, discussed above. These claims recite additional limitations which, in conformity with the features of their corresponding independent claim, are not disclosed or suggested by the art of record. The dependent claims are therefore believed patentable. However, the individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

For all of the above reasons, the claim objections are believed to have been overcome placing Claims 1-17 in condition for allowance, and reconsideration and allowance thereof is respectfully requested.

The Examiner is encouraged to telephone the undersigned to discuss any matter that would expedite allowance of the present application.

The Commissioner is hereby authorized to credit overpayments or charge payment of any additional fees associated with this communication to Deposit Account No. 090457.

Respectfully submitted,

Date: November 29, 2007

By: **/alan m weisberg/**  
Alan M. Weisberg  
Reg. No.: 43,982  
Attorney for Applicant  
Christopher & Weisberg, P.A.  
200 East Las Olas Boulevard, Suite 2040  
Fort Lauderdale, Florida 33301  
**Customer No. 68786**  
Tel: (954) 828-1488  
Fax: (954) 828-9122  
email: ptomail@cwiplaw.com

87098